

Members

Sen. Thomas Wyss, Chairperson
Sen. Allen Paul
Sen. David Ford
Sen. Glenn Howard
Sen. Mark Blade
Sen. Timothy Lanane
Rep. Win Moses, Vice-Chairperson
Rep. David Crooks
Rep. Jonathan Weinzapfel
Rep. Dean Mock
Rep. Michael Smith
Rep. Eric Turner



INTERIM STUDY COMMITTEE ON PUBLIC SAFETY ISSUES

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MEETING MINUTES¹

Meeting Date: August 29, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Thomas Wyss, Chairperson; Sen. Allen Paul; Sen. David Ford; Sen. Glenn Howard; Sen. Timothy Lanane; Rep. Win Moses, Vice-Chairperson; Rep. David Crooks; Rep. Jonathan Weinzapfel; Rep. Dean Mock; Rep. Michael Smith; Rep. Eric Turner.

Members Absent: Sen. Mark Blade.

Chairperson Thomas Wyss called the meeting to order at 10:10 a.m. He introduced himself, the other members of the Committee, and the staff of the Legislative Services Agency. He read the charge from the Legislative Council which was the subject of the meeting, to study the fireworks industry in Indiana, including enforceability of and advisability of reexamining existing laws pertaining to fireworks (HB 1193-2000 session). He then introduced Thomas Fruechtenicht, who furnished the Committee with profiles of the speakers on behalf of the fireworks industry (Exhibits A-1 through A-4).

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Dr. Lee Craig, from the department of Economics of the North Carolina State University, gave the Committee Estimates of the Economic Impact of the Fireworks Industry (Exhibit B). He told the Committee that there are four measures of the impact of an industry on a regional economy: the output or gross receipts (sales), earnings, employment, and output. He estimated that sales of fireworks in Indiana would be \$35 million per year, and that there would be 925 workers per year for the years 2000 through 2005. In response to a question from Representative Crooks, he stated that he had no access to figures from the industry and had to base the figures on numbers available to him. The numbers of workers includes wholesale and retail workers. He estimated that tax revenue would be \$2.5 million per year on these sales and salaries. After being questioned by Senator Ford, he agreed that the tax estimates were based on the tax formula and algebraically determined. Discussion ensued concerning the figures in the graphs provided. Representative Turner asked that wholesale outlet store, temporary stand, and retail store figures be broken down in the final report that he will furnish to the Committee. Senator Ford feels that the issue to be studied is safety and the cost to the public; that the focus should be on medical costs, law enforcement, and other expenses that are an offshoot from the sales.

The next speaker was Richard Shields, who has been involved in the wholesale fireworks business since 1975. He said the business over the state has been growing since then, and he feels fireworks are safer than ever. Discussion ensued regarding averages sales and purchases; Mr. Shield imports his wholesale fireworks from China, manufactured to U.S. standards, with U.S. inspectors at the factories. Representative Moses feels that the state needs to make a choice: either make the arrest of lawbreakers a high priority, or legalize the activity that is taking place now.

A discussion then took place between John Brooke and Senator Ford concerning suits filed against the fireworks dealers, products liability issues, and the number of claims vs. the number of injuries that may have occurred. Senator Ford suggested an age limit for purchase, including for common fireworks.

Dr. John Conkling, Executive Director of the American Pyrotechnics Association, stated that one-third of the injuries come from "bootleg" fireworks. He feels that there are three important rules regarding fireworks: (1) the focus should be on safety education; (2) alcohol and fireworks do not mix; and (3) avoid illegal explosives. He told the Committee that the larger devices are made in the United States, for the public display industry. John Brooke showed a chart he had made of the various states' fireworks laws and a discussion followed as a consequence.

Lisa Murray, representing American Promotional Events, then introduced Jeff Dropo, who is an Indiana wholesaler from Gas City. He employs 25 to 30 persons year-round, and up to 200 during peak season. He would like to see a level playing field result from this discussion, so that the same products may be able sold in a tent as in a store. Greg Shelton, of Shelton Fireworks, the largest fireworks retail sales outlet in the state spoke. He had requested a survey from Massie and Associates, concerning fireworks sales and use (Exhibit C). He feels that the public continues to support the use and enjoyment of fireworks. His business has \$8 million total sales per year in Indiana and Missouri, employs 250 persons, and imports fireworks from China, some designed by himself.

Tracy Boatwright, the State Fire Marshall, asked for a clearer law. He feels some law abiders unwittingly break the current law. He says there are close to 500 wholesale locations over the state; that figure does not include retail sales. His office has been sued 16 times regarding this law, and his office has filed one case for a declaratory judgment, currently under appeal. He has been enjoined to enforce this law, and he has been enjoined against enforcement. When asked by Senator Lanane if he wished a return to

sales of only common fireworks, he replied that all he is asking is for clarity in the law. Mara Snyder, counsel for the State Fire Marshall, explained the case that is under appeal. It is asking for a declaratory judgment concerning the public display permits of IC 22-11-14-2. She expects a decision from the Indiana Court of Appeals sometime this fall.

Fred Hinds, Fire Chief in Seymour, Indiana, and president of the Indiana Fire Chiefs Association spoke. His membership has voted to express its dissatisfaction with the law as it currently reads. They feel that Indiana is known as the fireworks capital of the midwest. The membership feels that sales of any aerial fireworks should not be allowed.

Dr. Ronald Danis, of the Indiana Academy of Ophthalmology, Professor of Ophthalmology at I.U School of Medicine, spoke regarding Eye Injuries from Consumer Fireworks (Exhibit D). One in 20 serious eye injuries (which he defined as those potentially causing structural damage to the eye or vision) in the state are from fireworks. His organization's stand is that fireworks should be banned entirely.

Fire Chief Daniel Georgevich from Calumet City, Illinois, spoke as to the problems that Illinois has with the Indiana fireworks that come into his state. Illinois bans sale and possession of all fireworks, but the Chicago area is particularly plagued by fireworks sold in Indiana. Cook County has set up a multi-jurisdictional task force to try to alleviate the importation and usage of Indiana fireworks. He handed out a copy of the "purchase agreement" that out-of-state purchasers complete (Exhibit E). Senator Ford noted that the form indemnifies the Indiana Fireworks Distributors Association from any liability caused by use or misuse. Chief Georgevich stated that he had not come to Indiana to blame it for fireworks, but rather to plead for its help in enforcement and regulation by amendment of the statute. Representative Smith asked how often alcohol is involved in misuse; Chief Georgevich stated that the closer one gets to the Fourth of July, the more certain it is that a connection can be made.

Kay Amsden, President of the Indiana Animal Care and Control Association then spoke as to the impact that fireworks have on animal control. (She also is the Director of the Huntington County Animal Shelter.) She feels that the week before the Fourth of July is the worst week of the year for animal control, with more hits and kills, bites, and injuries and accidents. Animals step on hot sparklers and are burned, and the incidence of animals being given tranquilizers increases greatly. She stated that her organization is not pro nor con as to legislation, but asked that the educational opportunities regarding fireworks use be considered.

Karl Shake, Fire Chief of Hammond, Indiana, appeared and agreed with the statements made earlier by Fire Chief Georgevich, as their two departments are working together regarding sales and usage. He feels that local communities should be empowered to be able to enforce the law. He also believes that those who sell should meet fire, building, and zoning codes or be forced to close down.

A discussion then ensued among the members of the Committee as to potential legislation. Chairperson Wyss decided that a decision should be made after the decision of the Indiana Court of Appeals in the pending fireworks case has been handed down.

A copy of the speakers' list for this meeting is identified as Exhibit F.

There being no further business, the Committee was adjourned at 12:55 p.m. The next meeting is set for Wednesday, September 13, 2000 in Room 233 of the Statehouse. The topic of discussion before the Committee is to study issues related to uninsured motorists and uninsured motorists' insurance.